United Nations A/66/851

General Assembly

Distr.: General
19 June 2012

Original: English

Sixty-sixth session
Agenda item 76
Oceans and the law of the sea

Letter dated 15 June 2012 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to enclose herewith a document (see annex) recording the position of the Republic of Cyprus regarding the granting of exploration licences to the Turkish Petroleum Corporation by the Turkish Council of Ministers in sea areas in the Eastern Mediterranean, some of which fall either partly or wholly within the exclusive economic zone and continental shelf of the Republic of Cyprus.

I should be most grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 76.

(*Signed*) Nicholas **Emiliou**
Permanent Representative

12-38225 (E) 210612

Please recycle

Annex to the letter dated 15 June 2012 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

On 27 April 2012, the Government of the Republic of Turkey published in its Official Gazette (Issue: 28276), Decisions 2012/2802, 2012/2973 and 2012/2968, on the basis of which the Turkish Council of Ministers grants hydrocarbon exploration licences to the Turkish Petroleum Corporation (TPAO) in sea areas of the Eastern Mediterranean, some of which fall either partly or wholly within the exclusive economic zone (EEZ) and continental shelf of the Republic of Cyprus.

More specifically, Decision 2012/2802 concerns the issuance of a licence in "block 5011", which partly lies (more than 40 per cent) within the EEZ and continental shelf of the Republic of Cyprus; Decision 2012/2973 concerns the issuance of a licence in "block 5029", which partly lies (more than 60 per cent) within the EEZ and continental shelf of the Republic of Cyprus; and Decision 2012/2968 concerns the issuance of a licence in "block 5027", which lies in its entirety (100 per cent) within the EEZ and continental shelf of the Republic of Cyprus and "block 5028", which partly lies (more than 90 per cent) within the EEZ and continental shelf of the Republic of Cyprus.

Concerning the above-mentioned acts of the Government of the Republic of Turkey, the Government of the Republic of Cyprus wishes to make the following observations and state its position.

- It is recalled that in 2004, the Republic of Cyprus proclaimed by Law No. 64 (I) 2004, which was submitted to the United Nations, its EEZ, the outer limit of which does not extend beyond the 200 nautical miles from the baselines, as established by the Republic of Cyprus in 1993 and formally submitted to the United Nations in compliance with the deposit obligations pursuant to the United Nations Convention on the Law of the Sea (UNCLOS), from which the breadth of its territorial sea is measured. In accordance with the said Law, in those parts of the maritime boundaries of Cyprus where no delimitation agreements have been signed, including with the Republic of Turkey, the Republic of Cyprus considers, in principle, as the outer limit of its EEZ/continental shelf, the median-line, which is measured from the baselines from which the breadth of their respective territorial seas is measured.

- Articles 74 (1) and 83 (1) of the United Nations Convention on the Law of the Sea provide, respectively, that the delimitation of the exclusive economic zone and the continental shelf between States with opposite or adjacent coasts should be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution. Accordingly, the Republic of Cyprus has so far concluded Agreements on the delimitation of its EEZ with the Arab Republic of Egypt (in force), the Lebanese Republic (ratification pending) and the State of Israel (in force), on the basis of the median-line principle. It is noted that the Republic of Cyprus has deposited to the Division for Ocean Affairs and the Law of the Sea of the United Nations the lists of geographical coordinates of points that define the exact limits of the EEZ within the context of its delimitation Agreements which are in force.

- Based on the proclamation of the EEZ and the relevant delimitation agreements signed with three of its neighbouring countries, the Republic of Cyprus exercises exclusive sovereign rights and jurisdiction in relation to areas beyond and adjacent to its territorial sea for the purposes set out in article 56 of the United Nations Convention on the Law of the Sea (which also reflects customary international law). In addition, the Republic of Cyprus has, as a matter of international law, inherent and exclusive sovereign rights over the continental shelf covering the same area, which it exercises in conformity with article 77 of the United Nations Convention on the Law of the Sea. In particular, in relation to hydrocarbon resources, the Republic of Cyprus has exclusive sovereign rights, inter alia, for the purpose of exploration and exploitation in its proclaimed EEZ and over its continental shelf.

- Turkey has neither proclaimed an EEZ nor has it concluded any agreements delimitating its EEZ or continental shelf in the Eastern Mediterranean. In particular, Turkey has not even pursued an agreement on the delimitation of its maritime boundaries with Cyprus. To the contrary, Turkey performs unilateral actions in respect of sea areas that are patently beyond any reasonable geographical limits of its own continental shelf and potential EEZ and clearly falling within the EEZ and continental shelf of the Republic of Cyprus.

Consequently, the granting of hydrocarbon exploration licences by the Government of the Republic of Turkey to the TPAO in the said sea areas, which is the concrete expression of unreasonable claims by Turkey with respect to its maritime boundaries with the Republic of Cyprus, constitutes a violation of international law and a purported exercise of rights vested in the Republic of Cyprus.

The said actions by Turkey are in absolute defiance of the sovereign rights and jurisdiction of the Republic of Cyprus in its EEZ and over its continental shelf, as these are enshrined in the United Nations Convention on the Law of the Sea, the relevant customary international law, and Cypriot domestic law. Hence, the granting of hydrocarbon exploration licences by Turkey to the TPAO in the said sea areas is without legal effect and does not prejudice these rights in any way.